

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6687 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy of the judgement? : YES
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : YES
5. Whether it is to be circulated to the Civil Judge? : YES

D V VASAVADA & A K SHAH

Versus

SECRETARY

Appearance:

MR DS VASAVADA for Petitioners

MR VJ DESAI for Respondent No. 1

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 21/09/1999

ORAL JUDGEMENT

By means of filing this petition under Article 226 of the Constitution, the petitioners have prayed that respondent no.1 be directed to promote petitioner no.2 as Superintending Engineer retrospectively with effect from September 9,1986 and to treat him senior to respondents no.2 to 22 for all purposes. Other ancillary reliefs are also claimed, but it is not necessary to refer to them in

detail at this stage.

The matter was placed for admission hearing before Court on December 30, 1986 and while issuing rule it was clarified that promotion, if any, would be subject to the result of the petition.

During the course of hearing of the petition, learned Counsel for respondent no.1 has produced Office Order dated December 30, 1987 which shows that petitioner no.2 was promoted to the post of Superintending Engineer and was posted at Anjar w.e.f. December 30, 1987. Learned Counsel for respondent no.1 has also produced Office Order dated August 23, 1999 which indicates that petitioner no.2 was thereafter promoted to the post of Additional Chief Engineer, Baroda and had tendered resignation on medical ground which was accepted by the Board with effect from November 30, 1996. The two office orders which are produced by the learned Counsel for respondent no.1 are ordered to be taken on record of the petition. As petitioner no.2 was promoted to the post of Superintending Engineer and subsequently to the post of Additional Chief Engineer, I am of the view that the petition has become infructuous and deserves to be disposed of accordingly.

In view of the contents of two office orders, which are on record of the case, the petition is disposed of as having become infructuous. Rule is discharged with no order as to costs.

(patel)